

# EXHIBIT 20

## Hunters Capital, LLC v. City of Seattle

Joey Furuto

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC, et al., )

Plaintiffs, )

v. ) Case No. 20-cv-00983-TSZ

CITY OF SEATTLE, )

Defendant. )

VIDEOCONFERENCE VIDEOTAPED DEPOSITION UPON ORAL  
EXAMINATION  
OF  
JOEY FURUTO

(All participants appearing via Zoom videoconference.)

Taken at  
Seattle, WashingtonDATE TAKEN: March 18, 2022  
REPORTED BY: KATHLEEN HAMILTON, RPR, CRR, CCR 1917

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## APPEARANCES

## APPEARING VIA ZOOM FOR THE PLAINTIFFS:

TYLER S. WEAVER  
Calfo Eakes LLP  
1301 Second Avenue  
Suite 2800  
Seattle, Washington 98101  
206.407.2200  
tylerw@calfoeakes.com

## APPEARING VIA ZOOM FOR THE DEFENDANT:

SHANE CRAMER  
Harrigan Leyh Farmer &  
Thomsen LLP  
999 Third Avenue  
Suite 4400  
Seattle, Washington 98104  
206.623.1700  
shanec@harriganleyh.com

## APPEARING VIA ZOOM, THE VIDEOGRAPHER:

LINDSAY HITCHCOCK  
Buell Realtime Reporting, LLC  
1325 Fourth Avenue  
Suite 1840  
Seattle, Washington 98101  
206.287.9066

\* \* \* \* \*

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1 Go ahead.

2 THE WITNESS: So Parks had always had two  
3 SaniCans on site. They had been on site since January  
4 because the locking mechanisms were broken on the doors  
5 to the comfort stations. And so we've always had two on  
6 site. And even prior to CHOP and CHAZ, we were asked to  
7 provide additional cans because of the -- you know, the  
8 protests that were happening leading up to June 8th.  
9 And we did not provide those SaniCans.

10 BY MR. WEAVER:

11 **Q. Okay. Were there ever additional SaniCans**  
12 **provided within the balance of Cal Anderson Park in June**  
13 **of 2020?**

14 MR. CRAMER: Objection. Form.

15 Go ahead.

16 THE WITNESS: Yes, there were. There were  
17 ten SaniCans that were delivered. They were not inside  
18 the park. They were on 11th.

19 BY MR. WEAVER:

20 **Q. Were they at 11th and Olive?**

21 A. Yes.

22 **Q. Do you recall being asked to have them in the**  
23 **park?**

24 A. Yes.

25 **Q. And why did they not end up in the park?**

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1 A. Because we didn't have the location for them to  
2 go. SaniCans need to be serviced by a large pump --  
3 pump truck, and the pump truck wouldn't fit anywhere  
4 within the confines of Cal Anderson.

5 **Q. Did you have other concerns about why there**  
6 **should not be SaniCans within the -- within the -- the**  
7 **Cal Anderson Park?**

8 A. There was always the -- you know, my team cleans  
9 restrooms for a living, and so we are always -- you  
10 know, we always find fecal matter outside. So if we  
11 lock a bathroom door in any of our parks, a lot of times  
12 we end up with somebody using the bathroom right  
13 outside. And that is always a high level of concern for  
14 us that if we aren't providing an open restroom, we are  
15 inviting people to use the facilities outside. And so  
16 that's always our big concern.

17 **Q. Were you concerned that it would create a bigger**  
18 **mess within Cal Anderson if you had Porta Potties inside**  
19 **the park?**

20 MR. CRAMER: Objection. Form.

21 You can answer.

22 THE WITNESS: Yes, but I think our bigger  
23 concern was also the neighborhood. Because the park is  
24 a wide-open space, people most often like privacy and  
25 will find the nearest nook or cranny to use the

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1 facilities, that not being in the park. So we were very  
2 worried about the surrounding community.

3 BY MR. WEAVER:

4 **Q. What were your concerns for the surrounding**  
5 **community with regard to the SaniCans? How are those**  
6 **related? I'm trying to sort that out.**

7 A. I think the SaniCans were provided -- this is my  
8 thoughts. My -- that the SaniCans were provided to  
9 prevent people from using the restroom throughout the  
10 entire neighborhood. They were prevented from -- you  
11 know, we didn't want people to use the restroom on top  
12 of the lid. I mean, we're looking at some  
13 infrastructure that could be contaminated and so that's  
14 why SaniCans were provided.

15 **Q. So you were worried about -- Parks was worried**  
16 **about people urinating or defecating on the reservoir**  
17 **lid; is that fair?**

18 MR. CRAMER: Objection. Form. Foundation.

19 THE WITNESS: Yes. Not just the Parks, but,  
20 like, again, the surrounding neighborhood as well too.

21 BY MR. WEAVER:

22 **Q. Did you ever ask or did you ever -- did you ever**  
23 **hear what the rationale was for providing the SaniCans?**

24 A. To my knowledge, what I just shared was the  
25 rationale for why they were provided.

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1 **Q. Okay. Did you hear that from somebody or are**  
2 **you just guessing that that was the reason?**

3 A. No, that's the reason why they were provided, to  
4 my knowledge.

5 **Q. Okay. What's the basis for that knowledge?**

6 A. Because exactly what I was sharing. Like, we  
7 didn't want people to use the restroom in people's yards  
8 and in the park.

9 **Q. Sure. And I'm asking whether -- did somebody**  
10 **tell you that?**

11 A. No, that's -- that would have -- that's my  
12 concern.

13 **Q. Okay. All right.**

14 **Did you ever personally have a concern that --**  
15 **that providing a large number of SaniCans at 11th and**  
16 **Olive would allow people to stay at the park longer than**  
17 **they would otherwise?**

18 A. Yes, I was concerned with the SaniCans inside  
19 the park, not the SaniCans outside of the park. My --  
20 my concern was the SaniCans being inside and that being  
21 problematic.

22 **Q. Was -- was your concern partially that it would**  
23 **encourage people to stay in the area in larger numbers**  
24 **than they would otherwise if the SaniCans weren't there?**

25 A. It was a -- it was a -- a small concern. And I

7 (Pages 25 to 28)

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1 event center in -- in mid and late June of 2020?

2 A. Can you repeat the question?

3 Q. Yeah, I'll repeat it. (Laughter.) I'll reword  
4 it.

5 So do you remember whether they -- whether the  
6 people who were around that area, the gardeners, anybody  
7 living in the area or who may have had event tents up  
8 near that space, were using the hose bibs for water  
9 for -- for their operations or living conditions in the  
10 last couple weeks of June 2020?

11 MR. CRAMER: Objection. Form.

12 You can answer if you understood.

13 THE WITNESS: I don't know if I fully  
14 understood the question. I know that people were using  
15 the water source onsite for multiple things, so...

16 BY MR. WEAVER:

17 Q. Okay. What were they using it for?

18 A. To drink, I'm assuming, as well as for watering  
19 their plants. I know that they established rain barrels  
20 at some point, but they were filling the rain barrels,  
21 to my knowledge, with our hose bibs.

22 Q. Okay.

23 A. At some point I know they also had a water truck  
24 coming in to fill up the rain barrels as well too.

25 Q. Okay. Well, the first email in this chain is

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1 water off.

2 Q. What do you recall about that?  
3 (Inaudible due to crosstalk.)

4 BY MR. WEAVER:

5 Q. What do you recall about that discussion?

6 A. I remember one of the discussion points were if  
7 water was turned off to the entire park, what would that  
8 do for the restrooms.

9 Now, the restrooms were closed, but there had  
10 been breaches and people still using them. So there  
11 was -- there was still water flow to that. And if we  
12 turned off the water flow, would that affect the  
13 hydrants in the area, and other life safety reasons to  
14 keep water.

15 Q. What do you recall about, if you knew, what the  
16 reasoning was or the thought process was behind why you  
17 would turn off the water?

18 MR. CRAMER: Objection. Form.

19 THE WITNESS: Yeah, I don't know much more  
20 than what I just said. Like, I -- I don't remember -- I  
21 was not a decision maker in -- in getting water to be  
22 shut off. I might have proposed an idea. I don't  
23 remember. But I was not part of that decision-making  
24 process as to when or why.

25 BY MR. WEAVER:

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1 from somebody from Fox News asking about whether the  
2 protesters have been negotiating with the Parks  
3 Department to let them hook up water to irrigate the --  
4 the gardens. Do you see that?

5 A. Yes.

6 Q. So the Parks -- did the Parks Department  
7 negotiate with the protesters over the use of water for  
8 the gardens?

9 A. Not to my knowledge. I do not remember  
10 negotiating anything on that level with them.

11 Q. But you were aware that they were using the  
12 water for irrigation; is that correct?

13 MR. CRAMER: Objection. Form.

14 THE WITNESS: Yes.

15 BY MR. WEAVER:

16 Q. Was there any attempt in June, in the last  
17 couple weeks of June 2020, to your knowledge, to get  
18 them to stop using the irrigation?

19 A. I don't recall. I don't remember.

20 Q. Do you recall whether the water was shut off for  
21 some period of time to Cal Anderson on or about June  
22 22nd of 2020?

23 A. What was the date you just mentioned?

24 Q. June 22nd.

25 A. I recall there being a discussion to shut the

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1 Q. So did you propose that idea to somebody?

2 A. I don't remember.

3 Q. Okay. Did you ever talk to Casey Sixkiller  
4 about turning off the water at Cal Anderson Park?

5 A. I don't remember.

6 Q. So I'd like you to scroll up to your email from  
7 June 15th of 2020. At 11 -- 11:11 a.m. Because I guess  
8 there's two of them. But at 11:11 a.m. you wrote, "I'm  
9 working with the gardening group here. We are not  
10 offering up any water for irrigation purposes. They  
11 recently installed rain barrels for irrigation." Do you  
12 see that?

13 A. Yes.

14 Q. Was it correct that you were not offering up  
15 water for irrigation purposes?

16 A. That is correct.

17 Q. But you were allowing it to be used for  
18 irrigation purposes -- is that correct? -- on June 15th?

19 A. I don't know that using the word "allowing" them  
20 is accurate. It was something that was going to be done  
21 and I had little control over that.

22 Q. Okay. You weren't offering it up, but you knew  
23 they either were or were going to use it; is that right?

24 A. Correct.

25 Q. And, in fact, they were using that -- they were

27 (Pages 105 to 108)

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## CERTIFICATE

STATE OF WASHINGTON  
COUNTY OF KING

I, Kathleen Hamilton, a Certified Shorthand  
Reporter and Notary Public in and for the State of  
Washington, do hereby certify that the foregoing  
transcript of the deposition of JOEY FURUTO, having been  
duly sworn, on MARCH 18, 2022, is true and accurate to  
the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal this 29TH day of MARCH, 2022.



KATHLEEN HAMILTON, RPR, CRR, CCR #1917

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